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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO. 4315
09/285,937	04/02/1999	Shin-Tson Wu	B-3539-61675	
75	90 01/08/2004	EXAMINER		
JOHN PALMI	ER	WU, SHEAN CHIU		
LADAS & PAR	RRY E BOULEVARD	ART UNIT	PAPER NUMBER	
SUITE 2100		1756	19	
LOS ANGELES	S, CA 900365679	DATE MAILED: 01/08/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

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<u> </u>				Applicatio	n No.	Applicant(s)		
				09/285,93	7	WU ET AL.		
	Offic	Action Summary		Examiner		Art Unit		
				Shean C W		1756		
Period fo		ING DATE of this comm	unication app	ears on the	cover sheet with the o	correspondence a	ddress	
THE I - Extermination after representation of the second representation of	MAILING Densions of time results (6) MONTH operiod for reply period for reply reto reply received by r	STATUTORY PERIOD DATE OF THIS COMMU may be available under the provising the form the mailing date of this cold y specified above is less than thirty is specified above, the maximum in the set or extended period for rey the Office later than three month adjustment. See 37 CFR 1.704(b)	INICATION. ons of 37 CFR 1.13 mmunication. y (30) days, a reply n statutory period w ply will, by statute, ns after the mailing	36(a). In no ever within the staturill apply and will cause the appli	nt, however, may a reply be ting cory minimum of thirty (30) day expire SIX (6) MONTHS from pation to become ABANDONE	mely filed /s will be considered time the mailing date of this ED (35 U.S.C. § 133).	ily. communication.	
1)	Responsiv	ve to communication(s)	filed on 24 Se	eptember 20	003.			
, — <u>—</u>	•	n is FINAL .	2b) This a					
,	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Dispositi	ion of Clai	ms					•	
4)🖂	Claim(s) 1	-18,20-38,42-56 and 72	2-122 is/are p	ending in th	e application.			
=	4a) Of the above claim(s) is/are withdrawn from consideration.							
5)⊠	Claim(s) <u>9-18,20-38,76-79 and 85-89</u> is/are allowed.							
-	–	<u>,4,7,72-75 and 80-82</u> is						
_		<u>2,3,5,6,8,42-56,83,90-10</u>						
8)[Claim(s) _	are subject to rest	triction and/or	r election re	quirement.			
Applicati	ion Papers	;						
9)[The specif	ication is objected to by	the Examine	r.				
10)[ng(s) filed on is/a						
		nay not request that any ob						
	•	ent drawing sheet(s) includ	-					
		r declaration is objected	to by the Ex	aminer. Not	e the attached Office	Action or form P	TO-152.	
_		.S.C. §§ 119 and 120						
* 5 13)	All b) Cer 1. Cer 2. Cer 3. Cop app See the atta Acknowledge ince a spece 7 CFR 1.78 a) The tr Acknowledge	dgment is made of a cla] Some * c) None of tified copies of the prioritified copies of the prioritified copies of the prioritified copies of the certified copies lication from the International Comment is made of a claim cific reference was included. anslation of the foreign is made of a claim as included in the first second comment is made of a claim as included in the first second comment is made of a claim as included in the first second comment is made of a claim as included in the first second comment is made of a claim as included in the first second comment is made of a claim as included in the first second comment is made of a claim as included in the first second comment is made of a claim as included in the first second comment is made of a claim as included in the first second comment is made of a claim as included in the first second comment is made of a claim as included in the first second comment is made of a claim as included in the first second comment is made of a claim as included in the first second comment is made of a claim as included in the first second comment is made of a claim as included in the first second comment is made of a claim as included in the first second comment is made of a claim as included in the first second comment is made of a claim as included in the first second comment is made of a claim as included comment is	f: ity documents ity documents es of the prior tional Bureau tion for a list on for domestic ded in the firs language pro n for domestic	s have beer s have beer ity docume u (PCT Rule of the certific priority unst sentence visional apport priority unst priority un	received. received in Applicate that have been received in Applicate 17.2(a)). ed copies not received der 35 U.S.C. § 119(of the specification of the Specification has been received as Specification that the Specificat	ion No ed in this Nationa ed. e) (to a provisiona r in an Application ceived. and/or 121 since	al application) n Data Sheet. e a specific	
Attachmen		OU 1/DTO 2003			4) [] Indeed (/DTO 442\ Danas No	(a)	
2) Notic	ce of Draftspe	ces Cited (PTO-892) rson's Patent Drawing Review sure Statement(s) (PTO-1449			4) Interview Summary 5) Notice of Informal F 6) Other: .			

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Claim Objections

1. Claim 1 is objected to because of the following informalities:

The first formula A on page 9 (amendment filed 9/25/03) is typographical error.

The line should be under the formula not cross through the formula.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claim 108 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is depended on the canceled claim 39.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 4. Claims 1, 4, 7, 72-75 and 80-82 are rejected under 35 U.S.C. 102(b) as being anticipated by CAPLUS 1992: 407540.

The reference compounds represented by RNs 141779-32-0, 141799-34-2, 141779-35-3 and 141779-37-5 anticipate the compounds represented by the present

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formula A. The reference compounds also will anticipate the properties of the present claims 72-75 because the reference compounds read on the present formula A.

Allowable Subject Matter

- 5. Claims 2-3, 5-6, 8 and 42-56, 83-84, 90-107 and 109-122 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 6. Claims 9-18, 20-38, 76-79 and 85-89 are allowed.

Response to Arguments

7. Applicant's arguments, see Paper No 18, filed 9/24/2003, with respect to the rejections of claims 1, 4, 7, 39-41 and 72-75 under CA 74: 12468 and CA 111: 154088 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new grounds of rejections are made in view of CAPLUS 1992: 407540.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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final action.

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shean C Wu whose telephone number is 571-272-1393. The examiner can normally be reached on Monday-Friday 9:30 -6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Shean C Wu Primary Examiner Art Unit 1756

scw